



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 58

EMERGENCY SUSPENSIONS TO ASSIST IN MEETING EDUCATIONAL NEEDS OF LOUISIANA STUDENTS

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;
- WHEREAS,** Hurricane Katrina and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** pursuant to Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005, a state of emergency was declared for the entire state and is currently in effect;
- WHEREAS,** as a direct consequence of the disaster and evacuation, many Louisiana schools were damaged or destroyed and are currently inoperable. Thousands of public school students are unable to attend the schools in the school district in which they resided prior to the hurricanes and such students have temporarily enrolled in other school districts throughout the state. However, many of these students will return to the school district in which they resided prior to the hurricanes in need of an operational school to attend;
- WHEREAS,** La. Constitution Art. VIII § 1 states that the Louisiana Legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system. In addition to local public school boards, charter schools, created pursuant to La. R.S. 17:3971, *et seq.*, may fulfill this obligation;
- WHEREAS,** Charter schools are required to comply with various statutory and regulatory provisions governing the operation of their schools. The State Board of Elementary and Secondary Education and the Louisiana Department of Education also incur responsibilities under certain regulatory statutes governing charter schools and the chartering process;
- WHEREAS,** R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the State Board of Elementary and Secondary Education (hereafter **BESE**) has requested the suspension of certain charter school provisions within Title 17 of the Louisiana Revised Statutes in order to facilitate the use of charter schools to assist in meeting the educational needs of Louisiana students. Certain provisions of law prevent the rapid expansion of charter schools by either requiring a process that extends over a period of time or by establishing a requirement of law to which the charter cannot comply due to the disaster;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The following provisions in Title 17 of the Louisiana Revised Statutes are hereby suspended:

- A. R.S. 17:1990(F) to the extent that it specifies students eligible to enroll in and attend a charter school;
- B. R.S. 17:3973(2)(b)(iv) to the extent that it provides that prior to the creation of a Type 4 charter to convert a preexisting school, it shall be approved by the professional faculty and staff of the preexisting school and approved by the parents or guardians of children enrolled in the school as provided in R.S. 17:3983(C);
- C. R.S. 17:3973(2)(b)(v) to the extent that it specifies students eligible to enroll in and attend a charter school;
- D. R.S. 17:3983 (A)(3)(a) to the extent that it establishes timelines for the application for and approval of a charter school;
- E. R.S. 17:3983 (A)(4)(c) to the extent that it establishes a timeline for the approval of a charter school application;
- F. R.S. 17:3983(A)(4)(f) to the extent that it establishes a timeline for the charter school to begin operation;
- G. R.S. 17:3991(C)(1)(b) to the extent that it establishes a timeline for an application process; and
- H. R.S. 17:3996(B)(4) to the extent that it requires compliance with a minimum number of instructional minutes and instructional days in a school year.

SECTION 2: This Order is effective upon signature and shall continue in effect, until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 7th day of October, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Al Ater
SECRETARY OF STATE